

UNITED STATES OF AMERICA)
)
v.) No. 3:94-CR-068
)
HINTON M. WATERS)

Pro se, the defendant has filed a “Motion for a Bill of Review of 28 U.S.C. § 2255” [doc. 268] which the court construes as an attempt to file a second or successive motion under 28 U.S.C. § 2255. “[S]ubstance, rather than labels, should control in legal proceedings[.]” *Martin v. Overton*, 391 F.3d 710, 714 (6th Cir. 2004).

Accordingly, the Clerk of Court is **DIRECTED** to transfer this action [doc. 268] to the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge